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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,531	09/13/2000	Timothy W. Genske	LS/0005.00	7168

7590 01/26/2005

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EXAMINER

CHOUDHURY, AZIZUL Q

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/660,531

Applicant(s)

GENSKE ET AL.

Examiner

Azizul Choudhury

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 16-52 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 and 16-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) is/are allowed.
- 6) ☒ Claim(s) 1-13 and 16-52 is/are rejected.
- 7) ☐ Claim(s) is/are objected to.
- 8) ☐ Claim(s) are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. .
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u> </u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/23, 9/26, 9/22, etc.</u> | 6) <input type="checkbox"/> Other: <u> </u> |

Detailed Action

This office action is in response to the correspondence received on November 3, 2004.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 9-13, 16-48 and 51-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Boutcher (US Pat No: US005915112A), hereafter referred to as Boutcher.

3. With regards to claim 1, Boutcher teaches a computer environment where devices are occasionally connected together, a method for automated transmission and execution of an executable file of interest originating from a first device, upon the first device's connection to a second device (Boutcher's design has computers (devices) connected in a network and hence they are connected together (column 2, lines 59-60, Boutcher)). Furthermore, Boutcher discloses that program products (executable files) are transmittable from one computer to another for processing (column 3, lines 35-52, Boutcher)), the method comprising:

- Connecting the first device to at least one other device capable of hosting the first device (As stated above, Boutcher's design has a first computer (first

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device) coupled to a second computer (second device) through a network (column 2, lines 57-60, Boutcher));

- Identifying at least one particular host device that is connected to the first device, including determining communication information allowing communication between the first device and the particular host device, and determining command information allowing the first device to invoke execution of the application or driver of interest at the particular host device (Boutcher discloses a design that allows a computer to transmit program products from a first computer to a second computer, where the program product is executable on both computers (column 3, lines 35-52, Boutcher));
- Based on said determined communication information, transmitting the executable file of interest from said first device to the particular host device (As stated above, Boutcher discloses a design that allows a computer to transmit program products from a first computer to a second computer (host device), where the program product is executable on both computers (column 3, lines 35-52, Boutcher)); and
- Based on said determined command information, invoking execution of the executable file of interest after it has been transmitted to the particular host device (As stated above, Boutcher discloses a design that allows a computer to transmit program products from a first computer to a second computer, where the program product is executable (a request for the execution is able to be placed) on the second computer (column 3, lines 35-52, Boutcher)); and

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- Entering a listening mode, awaiting commands from the executable file running on the particular host device (This is known as polling. When devices communicate with one another, they wait for a response. If polling is not performed, commands/requests made by devices would be sent with neither device trying to receive the commands/requests from the other device. The devices of Boutcher's design communicate with one another hence, it is inherent that polling exists).

4. With regards to claim 2, Boutcher teaches a method wherein said executable file of interest comprises a driver file (Boutcher's design has a program product (executable file) (column 3, lines 38-40, Boutcher) and it is able to comprise a driver file).

5. With regards to claim 3, Boutcher teaches a method wherein said driver file, upon execution controls operation of said first device (Boutcher's design allows mapping to occur between the first computer and the second computer (column 3, lines 42-51, Boutcher). Such a connection allows the one computer to control operations on another computer as claimed).

6. With regards to claim 4, Boutcher teaches a method wherein said executable file comprises a binary file having instructions capable of executing at said second device (The program product of Boutcher's design (column 3, lines 35-42, Boutcher) is executable and hence must comprise of a binary file).

7. With regards to claim 5, Boutcher teaches a method wherein said executable file comprises an application program capable of executing at said second device (As stated above, the program product of Boutcher's design (column 3, lines 35-42, Boutcher) is executable and hence is also an application program as claimed).

8. With regards to claim 6, Boutcher teaches a method wherein said first device includes an add-in device capable of being hosted by said second device (Boutcher discloses that the computers can have various configurations of hardware and components added (column 4, lines 59-67, Boutcher). Furthermore, as stated before, the second computer (host) can control operations of the first computer through mapping. Since any computer can have additional devices attached, the first computer can have a device attached and have its operations controlled by the second computer).

9. With regards to claim 9, Boutcher teaches a method wherein said second device includes a computing device capable of hosting other devices (The second device in Boutcher's design is the second computer (column 2, line 59, Boutcher), computers are able to host other devices).

10. With regards to claim 10, Boutcher teaches a method wherein said second device includes wireless transmission capability for transferring information received from said first device to other devices (Boutcher's design has the computers (devices)

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connected through networks (column 2, lines 57-60, Boutcher). In addition, Boutcher discloses that the network is set to no particular configuration (column 4, lines 43-44, Boutcher). Furthermore, Boutcher discloses that various network protocols can be applied (column 5, lines 15-19, Boutcher). Boutcher's design thus accounts for the claimed wireless transmission capability).

11. With regards to claim 11, Boutcher teaches a method wherein said first and second devices are occasionally connected together (Boutcher's design has the computers (devices) connected through networks (column 2, lines 57-60, Boutcher). A network connection is temporary if it is setup that way).

12. With regards to claim 12, Boutcher teaches a method wherein said first and second devices are permanently connected together (Boutcher's design has the computers (devices) connected through networks (column 2, lines 57-60, Boutcher). A network connection is permanent if it is setup that way).

13. With regards to claim 13, Boutcher teaches a method wherein said first and second devices are connected together via one or more of the following: a serial communication link, an RS-232 serial communication link, a universal serial bus (USB) link (Boutcher's design has the computers (devices) connected through networks (column 2, lines 57-60, Boutcher). In addition, Boutcher discloses that the network is set to no particular configuration (column 4, lines 43-44, Boutcher). Furthermore,

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Boutcher discloses that various network protocols can be applied (column 5, lines 15-19, Boutcher). Boutcher's design thus accounts for the claimed serial communication link, RS-232 serial communication link and USB link).

14. With regards to claim 16, Boutcher teaches a method wherein invocation of said identifying step occurs upon connecting said first and second devices together (Boutcher discloses that when the first and second computers are connected, additional information such as interfaces and protocols supported can be obtained (column 10, line 21, Boutcher). Hence an identifying step is present in the design).

15. With regards to claim 17, Boutcher teaches a method wherein said identifying step includes:

- Probing the first device's environment for determining which devices, if any, the first device is attached to (Boutcher discloses that when the first and second computers are connected, additional information such as interfaces and protocols supported can be obtained (column 10, line 21, Boutcher). Since interfaces and protocols can be detected, it is inherent that means to probe for attached devices is also possible).

16. With regards to claim 18, Boutcher teaches a method wherein said probing step includes:

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- Determining a default communication medium for probing for new devices (Boutcher discloses that when the first and second computers are connected, additional information such as interfaces and protocols supported can be obtained (column 10, line 21, Boutcher). Hence, the default communication medium can be detected).

17. With regards to claim 19, Boutcher teaches a method wherein said default communication medium is specified initially by factory-preset information (As stated before, Boutcher's design allows connection information to be detected (column 10, line 21, Boutcher). If the factory-preset information is present and no other data has been entered regarding the communication medium, then inherently the factory-preset information will be used.

18. With regards to claim 20, Boutcher teaches a method wherein said default communication medium is a selected one of wireless and wired communication medium (Boutcher's design does not limit the network configuration in any particular way (column 4, lines 42-44, Boutcher). Hence, the claimed wireless and wired communication medium can be default).

19. With regards to claim 21, Boutcher teaches a method wherein said default communication medium includes serial (RS-232) and USB (Universal Serial Bus) wired communication medium (Boutcher's design does not limit the network configuration in

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any particular way (column 4, lines 42-44, Boutcher). Hence, the claimed USB and serial communication medium can be default).

20. With regards to claim 22, Boutcher teaches a method wherein said factory-preset information is stored in a registry of the first device (The claimed factory-preset must be stored into storage in a device such as a computer. Boutcher's design has computers that have storage means including various types of memory (registry is memory) (column 4, lines 45-60, Boutcher)).

21. With regards to claim 23, Boutcher teaches a method wherein said factory-preset information includes a default communication rate and default handshake protocol for at least one potential host device (Boutcher's design does not limit the network configuration in any particular way (column 4, lines 42-44, Boutcher). In addition, protocols are required for communication between devices to exist. Hence, the claimed factory-preset information including default communication rate and default handshake protocol exist).

22. With regards to claim 24, Boutcher teaches a method wherein said probing step includes:

- Executing an initial sequence of handshake commands and comparing any response received to a list of known responses for identifying a particular host device (Boutcher's design does not limit the network configuration in any

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particular way (column 4, lines 42-44, Boutcher). In addition, protocols are required for communication between devices to exist).

23. With regards to claim 25, Boutcher teaches a method wherein said probing step continues until all known potential host devices have been enumerated (As stated before, Boutcher discloses that when the first and second computers are connected, additional information such as interfaces and protocols supported can be obtained (column 10, line 21, Boutcher). Since interfaces and protocols can be detected, it is inherent that means to probe for all attached devices is also possible).

24. With regards to claim 26, Boutcher teaches a method wherein said identifying step includes:

- Updating a registry at said first device for indicating any connected host device that has been identified (Boutcher's design allows for various ways for a client (device) to detect another host computer (host device). One of which is to lookup the server (host computer) in a directory (column 10, lines 8-21, Boutcher). Such an enablement is equivalent to the claimed updating registry of connected host devices).

25. With regards to claim 27, Boutcher teaches a method further comprising:

- Upon identifying at least one particular host device, ensuring that a state of TCP/IP communication is reached between said first device and the particular

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identified host device (Boutcher's design allows for various network protocols, including TCP/IP (column 5, lines 18-20, Boutcher). For TCP/IP to function properly, the connection has to be checked as claimed).

26. With regards to claim 28, Boutcher teaches a method wherein said step of ensuring that a state of TCP/IP communication is reached includes:

- Initiating a PPP (Point-to-Point Protocol) communication session between said first and second devices, and, thereafter initiating a TCP/IP communication session between said first and second devices (Boutcher's design allows for various network protocols, including TCP/IP (column 5, lines 18-20, Boutcher). For TCP/IP to function properly, the claimed step must exist).

27. With regards to claim 29, Boutcher teaches a method wherein said step of ensuring that a state of TCP/IP communication is reached includes:

- Determining an IP (Internet Protocol) address for said second device (Boutcher's design allows for various network protocols, including TCP/IP (column 5, lines 18-20, Boutcher). For TCP/IP to function properly, the claimed step must exist).

28. With regards to claim 30, Boutcher teaches a method wherein said step of transmitting the executable file of interest includes:

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- Opening the executable file of interest at the first device (Boutcher's design has the first computer (first device) first possess the program product (executable file) and ready to transfer (column 3, lines 35-52, Boutcher). Hence, it is inherent that the program product (executable file) is opened as needed); and
- Streaming the opened executable file of interest from the first device to the second device (As stated above, Boutcher discloses a design that allows a computer to transmit program products (executable file) from a first computer to a second computer (host device), where the program product is executable on the second computer (column 3, lines 35-52, Boutcher)).

29. With regards to claim 31, Boutcher teaches a method wherein said streaming step includes:

- Employing XML, protocol for packaging said executable file of interest for delivery to the second device (Boutcher's design allows for various network protocols, including TCP/IP (column 5, lines 18-20, Boutcher). Since various protocols are permissible in the design, and XML is a protocol, XML is able to exist in Boutcher's design).

30. With regards to claim 32, Boutcher teaches a method wherein said step of transmitting further comprises:

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- Returning to said first device a file handle permitting said first device to access said executable file of interest transmitted to said second device (Boutcher's design allows the first device to access the second device running the process transmitted to it with a request handler (column 2, line 57 – column 3, line 5, Boutcher)).

31. With regards to claim 33, Boutcher teaches a method wherein said file handle comprises a file handle that may be understood by said second device for accessing a particular file of interest at said second device (As stated before, Boutcher's design allows the first device to access the second device running the process transmitted to it with a request handler (column 2, line 57 – column 3, line 5, Boutcher). Since the request handler (file handle) is able to serve its function properly, it has to be understood by the second device.

32. With regards to claim 34, Boutcher teaches a method wherein said executable file of interest comprises a byte-code program, and wherein said second device includes capability for executing byte-code programs (As stated before, Boutcher's design allows program products (program product is executable and is made of byte-code) to be transferred from a first computer to a second computer where it can be executed (column 3, lines 35-50, Boutcher)).

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33. With regards to claim 35, Boutcher teaches a method wherein said executable file of interest comprises a Java program, and wherein said second device includes a Java Virtual Machine for executing Java programs (As stated before, Boutcher's design allows program products (A program product is executable. No mention was made that it had to be made of a particular language and hence Java is a suitable language to have the program in. Furthermore, Boutcher discloses that modifications to the design are permissible (column 13, lines 42-50, Boutcher)) to be transferred from a first computer to a second computer where it can be executed (column 3, lines 35-50, Boutcher)).

34. With regards to claim 36, Boutcher teaches a method wherein said step of invoking execution of the executable file of interest includes:

- Issuing a command from said first device to said second device to begin execution at said second device of said executable file of interest (As stated above, Boutcher discloses a design that allows a computer to transmit program products from a first computer to a second computer, where the program product is executable (a request for the execution is able to be placed) on the second computer (column 3, lines 35-52, Boutcher)).

35. With regards to claim 37, Boutcher teaches a method wherein said step of invoking execution of the executable file of interest includes:

- Triggering execution of said executable file indirectly at said second device by instructing said second device to restart itself (Computers possess stacks to manage the tasks it's handling. Should the computer restart itself, it is inherent that it is able to restart the last task it was working on, that includes executing a file as claimed).

36. With regards to claim 38, Boutcher teaches a method further comprising:

- Placing said first device in a listening mode, after said first device has invoked execution of said executable file at said second device (As stated before, Boutcher's design allows program products (program product is executable) to be transferred from a first computer to a second computer where it can be executed (column 3, lines 35-50, Boutcher). When the first computer (first device) sends out the request, it is inherent that it must remain in a listening form to properly receive a response from the second computer (second device)).

37. With regards to claim 39, Boutcher teaches a method wherein said first device awaits commands from said second device, while said first device is in a listening mode (As stated before, Boutcher's design allows program products (program product is executable) to be transferred from a first computer to a second computer where it can be executed (column 3, lines 35-50, Boutcher). When the first computer (first device) sends out the request, it is inherent that it must remain in a listening form to properly

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receive a response (this includes commands) from the second computer (second device)).

38. With regards to claim 40, Boutcher teaches a method wherein commands received at said first device from said second device control operation of said first device (As stated before, Boutcher's design allows program products (program product is executable) to be transferred from a first computer to a second computer where it can be executed (column 3, lines 35-50, Boutcher). When the first computer (first device) sends out the request, it is inherent that it must remain in a listening form to properly receive a response (This includes commands. Commands are used to control operations on devices. Since the commands are being received by the first computer in this case, it inherently controls the operations of the first computer) from the second computer (second device)).

39. With regards to claim 41, Boutcher teaches a multi-device system (a method can be a system) providing automated loading and execution of a driver required for connected devices, the system comprising:

- A first device that may be connected to a second device that is capable of hosting the first device (As stated above, Boutcher's design has a first computer (first device) coupled to a second computer (second device) through a network (column 2, lines 57-60, Boutcher)); and
- A subsystem, incorporated in the first device, for automatically:

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- Identifying the second device upon connection to the first device, said subsystem initiating communication between the two devices (Boutcher discloses that when the first and second computers are connected, additional information such as interfaces and protocols supported can be obtained (column 10, line 21, Boutcher). Hence an identifying step is present in the design);
- Uploading the driver of interest from the first device to the second device (As stated above, Boutcher discloses a design that allows a computer to transmit program products (driver) from a first computer to a second computer (host device), where the program product is executable on both computers (column 3, lines 35-52, Boutcher)); and
- Transmitting at least one command from the first device that invokes execution of the driver of interest at the second device, whereupon the driver executes at the second device for controlling operation of the first device (As stated above, Boutcher discloses a design that allows a computer to transmit program products from a first computer to a second computer, where the program product is executable (a request for the execution is able to be placed) on the second computer (column 3, lines 35-52, Boutcher). In addition, Boutcher adds that a request handler is present in the design so that the proper communication can exist between the client and

host machines (first and second computers) (column 2, line 57 – column 3, line 5, Boutcher)).

40. With regards to claim 42, Boutcher teaches a system (a method can be a system) wherein said driver comprises a binary file having instructions capable of executing at said second device (The program product of Boutcher's design (column 3, lines 35-42, Boutcher) is executable and hence must comprise of a binary file).

41. With regards to claim 43, Boutcher teaches a system (a method can be a system) wherein said binary file comprises native machine instructions for execution by a processor at said second device (The program product of Boutcher's design (column 3, lines 35-42, Boutcher) is executable and hence must comprise of a binary file. Furthermore, since it is executable, the program product (binary file) must comprise of machine instructions for execution by a processor in the second computer (second device)).

42. With regards to claim 44, Boutcher teaches a system (a method can be a system) wherein said binary file comprises byte-code instructions for execution by an interpreter at said second device (As stated before, Boutcher's design allows program products (program product is executable and is made of byte-code) to be transferred from a first computer to a second computer where it can be executed (column 3, lines 35-50, Boutcher)).

43. With regards to claim 45, Boutcher teaches a system (a method can be a system) wherein said binary file comprises a Java program and wherein said second device includes a Java Virtual Machine for executing Java programs (As stated before, Boutcher's design allows program products (A program product is executable. No mention was made that it had to be made of a particular language and hence Java is a suitable language to have the program in. Furthermore, Boutcher discloses that modifications to the design are permissible (column 13, lines 42-50, Boutcher)) to be transferred from a first computer to a second computer where it can be executed (column 3, lines 35-50, Boutcher)).

44. With regards to claim 46, Boutcher teaches a system (a method can be a system) wherein said driver includes:

- Instructions for unpacking other executable files for execution at said second device (Boutcher's design has the first computer (first device) first possess the program product and ready to transfer (column 3, lines 35-52, Boutcher). Hence, it is inherent that the program product (executable file) is opened as needed (at the second computer if that is what is needed)).

45. With regards to claim 47, Boutcher teaches a system (a method can be a system) wherein said first device comprises an add-in device capable of being hosted by said second device (As stated before, Boutcher discloses that the computers can

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have various configurations of hardware and components added (column 4, lines 59-67, Boutcher). Furthermore, as stated before, the second computer (host) can control operations of the first computer through mapping. Since any computer can have additional devices attached, the first computer can have a device attached and have its operations controlled by the second computer).

46. With regards to claim 48 Boutcher teaches a system (a method can be a system) wherein said first device comprises a digital camera device, and wherein said second device comprises a handheld device capable of hosting said digital camera device (In Boutcher's design, both the first and second devices are computers. In addition, Boutcher discloses that the computers in his design are able to have various hardware and components added (column 4, lines 59-67, Boutcher). This includes digital camera and handheld device).

47. With regards to claim 51, Boutcher teaches a client device comprising: a physical manager identify a host coupled to the client device; a TCP/IP stack to initiate a communication session with the host; an application/driver uploader to upload an executable object of interest onto the host device, the executable object of interest determined based on the identity of the host device determined by the physical manager; and a file handle returned to the client device by the host device to allow the client device to perform a variety of operations on the uploaded object of interest as it resides at the host device, including starting up an application or driver in the object of

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interest (Boutcher's design uses networks that allow for TCP/IP (column 5, lines 13-23, Boutcher). The steps of identifying a host coupled to the client and the TCP/IP stack and the file handle are inherently present within Boutcher's design. Boutcher's design has data being transferred between client and server machines, file handles must exist to allow proper handling of the data. In addition, Boutcher's design allows for remote processing to occur on a server, which are initiated from a client (column 2, lines 15-28, Boutcher). The remote process is equivalent to the claimed executable object and application. Also, for an operation to occur, drivers are called upon and hence must be present and executed on computers, including servers. Furthermore, the process performed on the server is performed based on the traits (identity) of the server. For instance, if the client is significantly newer than the server in regards to hardware and software, the exact same process that can run in the client most likely will not run on the server. Hence it is inherent that the identity of the process (executable object) is determined based on the identity of the server in Boutcher's design).

48. With regards to claim 52, Boutcher teaches a client device further comprising: a registry to serve as a repository indicating various configuration settings, such as TCP/IP configuration settings, that are set in order to communicate with a particular host device (The network of Boutcher's design uses protocols such as TCP/IP (column 5, lines 13-23, Boutcher). Registries to store configuration data for the sake of maintaining a network communication connection between a client and a server are inherently present in computers capable of network communication).

Claim Rejections - 35 USC § 103

49. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

50. Claims 7-8 and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boutcher in view of Shaughnessy et al (US Pat No: US005928325A), hereafter referred to as Shaughnessy.

51. With regards to claims 7, Boutcher teaches through Shaughnessy a method wherein said first device comprises a digital camera device and wherein said method further comprises: upon execution of said executable file at said second device, transferring image information from said digital camera device to said second device. Boutcher's design allows the first device (first computer) to have additional devices attached to it; this means a digital camera can be attached (column 4, lines 60-67, Boutcher). Furthermore, Boutcher's design allows for data (program product) to be transferred from a first computer (first device) to a second computer (second device) (column 3, lines 35-52, Boutcher). However, Boutcher fails to disclose the transfer of an image.

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In the same field of endeavor, Shaughnessy teaches a design that allows for the transmission of digital images (column 4, line 26, Shaughnessy). In addition, Shaughnessy teaches how wireless communication resources such as cell phones are able to transmit and receive the digital images in the design (column 4, lines 23-29, Shaughnessy).

Hence, Shaughnessy teaches a way to transmit digital images wirelessly and Boutcher teaches a way to perform operations from one device (first computer) that can have additional devices attached to it (such as a digital camera) on another device (second computer). It would have been obvious to one skilled in the art at the time of the invention to have combined the teachings of Boutcher with those of Shaughnessy to create a method where upon execution of said executable file at said second device, transferring image information from said digital camera device to said second device, for requesting a remote procedure to be executed by a server computer process external to the client computer process (column 2, lines 45-47, Boutcher).

52. With regards to claim 8, Boutcher teaches through Shaughnessy a method further comprising: after transferring said image information from said digital camera device to said second device, wirelessly transmitting said image information to a third device. Boutcher's design allows the first device (first computer) to have additional devices attached to it; this means a digital camera can be attached (column 4, lines 60-67, Boutcher). Furthermore, Boutcher's design allows for data (program product) to be transferred from a first computer (first device) to a second computer (second device)

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(column 3, lines 35-52, Boutcher). However, Boutcher fails to disclose the wireless transfer of an image.

In the same field of endeavor, Shaughnessy teaches a design that allows for the transmission of digital images (column 4, line 26, Shaughnessy). In addition, Shaughnessy teaches how wireless communication resources such as cell phones are able to transmit and receive the digital images in the design (column 4, lines 23-29, Shaughnessy). Furthermore, a figure in Shaughnessy's design illustrates how the design allows the image to be transferred wirelessly from a phone to a portable wireless terminal (third device) (Figure 1, Shaughnessy).

Hence, Shaughnessy teaches a way to transmit digital images wirelessly (even to a third device) and Boutcher teaches a way to perform operations from one device (first computer) that can have additional devices attached to it (such as a digital camera) on another device (second computer). It would have been obvious to one skilled in the art at the time of the invention to have combined the teachings of Boutcher with those of Shaughnessy to create a method where after transferring said image information from said digital camera device to said second device, wirelessly transmitting said image information to a third device, for requesting a remote procedure to be executed by a server computer process external to the client computer process (column 2, lines 45-47, Boutcher).

53. With regards to claim 49 Boutcher teaches through Shaughnessy a system (a method can be a system) wherein said handheld computing device functions to retrieve

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digital image information from said digital camera device and wirelessly transmit that information to another system. Boutcher's design allows the first device (first computer) to have additional devices attached to it; this means a digital camera can be attached (column 4, lines 60-67, Boutcher). Furthermore, Boutcher's design allows for data (program product) to be transferred from a first computer (first device) to a second computer (second device) (column 3, lines 35-52, Boutcher). In addition, the second computer is able to have another device attached to it, such as a handheld device. However, Boutcher fails to disclose the wireless transfer of an image.

In the same field of endeavor, Shaughnessy teaches a design that allows for the transmission of digital images (column 4, line 26, Shaughnessy). In addition, Shaughnessy teaches how wireless communication resources such as cell phones are able to transmit and receive the digital images in the design (column 4, lines 23-29, Shaughnessy). Furthermore, a figure in Shaughnessy's design illustrates how the design allows the image to be transferred wirelessly from a phone to a portable wireless terminal (third device) (Figure 1, Shaughnessy).

Hence, Shaughnessy teaches a way to transmit digital images wirelessly (even to a third device) and Boutcher teaches a way to perform operations from one device (first computer) that can have additional devices attached to it (such as a digital camera) on another device (second computer) that can also have devices attached to it (such as a handheld). It would have been obvious to one skilled in the art at the time of the invention to have combined the teachings of Boutcher with those of Shaughnessy to create a system wherein said handheld computing device functions to retrieve digital

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image information from said digital camera device and wirelessly transmit that information to another system, for requesting a remote procedure to be executed by a server computer process external to the client computer process (column 2, lines 45-47, Boutcher).

54. With regards to claim 50, Boutcher teaches through Shaughnessy a system (a method can be a system) wherein said handheld device is a selected one of a cellular phone device and a handheld computing device. Boutcher's design allows the first device (first computer) to have additional devices attached to it; this means a digital camera can be attached (column 4, lines 60-67, Boutcher). Furthermore, Boutcher's design allows for data (program product) to be transferred from a first computer (first device) to a second computer (second device) (column 3, lines 35-52, Boutcher). In addition, the second computer is able to have another device attached to it, such as a handheld device. However, Boutcher fails to disclose the transfer of an image.

In the same field of endeavor, Shaughnessy teaches a design that allows for the transmission of digital images (column 4, line 26, Shaughnessy). In addition, Shaughnessy teaches how wireless communication resources such as cell phones are able to transmit and receive the digital images in the design (column 4, lines 23-29, Shaughnessy). Furthermore, a figure in Shaughnessy's design illustrates how the design allows the image to be transferred wirelessly from a phone to a portable wireless terminal (third device) (Figure 1, Shaughnessy). The figure goes on to show that portable (handheld) devices are present, as are cellular phones in the design.

Hence, Shaughnessy teaches a way to transmit digital images (even to a third device) between cellular phone devices and portable devices and Boutcher teaches a way to perform operations from one device (first computer) that can have additional devices attached to it (such as a digital camera) on another device (second computer) that can also have devices attached to it (such as a handheld). It would have been obvious to one skilled in the art at the time of the invention to have combined the teachings of Boutcher with those of Shaughnessy to create a system wherein said handheld device is a selected one of a cellular phone device and a handheld computing device, for requesting a remote procedure to be executed by a server computer process external to the client computer process (column 2, lines 45-47, Boutcher).

Response to Remarks

The arguments filed by the applicant on November 3, 2004 have been thoroughly considered but they are not deemed fully persuasive. The examiner has reviewed the application along with the specification and believes that the claimed invention lacks novelty. The current claims continue to remain broad and vulnerable to various interpretations. For instance, the invention within the application makes use of a camera as the first device, yet the independent claims lack such details. For these reasons, the previous arguments must stand.

This is not to say that the invention within the application lacks novelty. The examiner requests that after receipt of this response, the applicant's representative call

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the examiner to arrange for an interview time to discuss and explore more effective amendment possibilities, with regards to this application.

As for the arguments presented, the following are brief responses to why they are not deemed fully persuasive. Three main arguments were presented. The first argument involved the new amendment, and how the prior arts do not teach or suggest the limitation of the "entering a listening mode..." This process is known as polling. And as stated above, when two devices communicate, a polling process must occur to allow for a pause where the devices wait and "listen" for commands/answers sent by the other communicating device. If polling did not occur, the devices would constantly send data but none would receive data.

The second argument involves the prior arts not teaching or suggesting the element of "transmitting at least one command from the first device that invokes the execution of the driver of interest at the second device." The Boutcher art states that program products (drivers) are transmittable from one device to another (column 3, lines 35-52, Boutcher). In addition, as stated above, when two devices communicate, a polling process must occur to allow for a pause where the devices wait and "listen" for commands/answers sent by the other communicating device. The devices each send commands/answers to each other. When a program product (driver) is sent from one device to another, commands can also be sent. And since the design is for a remote procedure call, the commands can be a request for the program product (driver) to be executed.

Finally, the third argument involves the prior art not teaching or suggesting the combination of a "physical manager identify a host...a TCP/IP stack....and an application/driver uploader." The lack of novelty to this trait was also discussed in the claim rejection. It was stated above that Boutcher's design uses networks that allow for TCP/IP (column 5, lines 13-23, Boutcher). The steps of identifying a host coupled to the client and the TCP/IP stack and the file handle are inherently present within Boutcher's design. Boutcher's design has data being transferred between client and server machines, file handles must exist to allow proper handling of the data. In addition, Boutcher's design allows for remote processing to occur on a server, which are initiated from a client (column 2, lines 15-28, Boutcher). The remote process is equivalent to the claimed executable object and application. Also, for an operation to occur, drivers are called upon and hence must be present and executed on computers, including servers. Furthermore, the process performed on the server is performed based on the traits (identity) of the server. For instance, if the client is significantly newer than the server in regards to hardware and software, the exact same process that can run in the client most likely will not run on the server. Hence it is inherent that the identity of the process (executable object) is determined based on the identity of the server in Boutcher's design.

It is important that when the prior arts are reviewed that the spirit of the design be taken into account along with the literal description. Features that are inherently present such as TCP/IP stacks and sending commands and polling are inherent features when the design involves two devices communicating with one another using

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TCP/IP (such as Boutcher's). It is for these reasons that the arguments presented are not deemed fully persuasive.


Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ward et al (US Pat No: US006784924B2).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is (571) 272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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JACK HARVEY
SUPERVISOR

AC

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